

## **BOARD of MINERALS and ENVIRONMENT**

### **DEPARTMENT of ENVIRONMENT and NATURAL RESOURCES**

Permit No. **95-08G**

#### **GENERAL PERMIT TO TREAT PETROLEUM CONTAMINATED SOIL BY LAND APPLICATION UNDER THE SOUTH DAKOTA SOLID WASTE PROGRAM**

South Dakota Solid Waste Law, SDCL 34A-6-1.6, authorizes the Board of Minerals and Environment (board) to adopt rules relating to the issuance, renewal, revocation or suspension of solid waste facility permits. South Dakota Solid Waste Law, SDCL 34A-6-58, authorizes the Secretary of the Department of Environment and Natural Resources (DENR) to recommend that the board issue general permits for certain categories of solid waste facilities.

This general permit authorizes land application treatment of petroleum contaminated soils within the State of South Dakota, subject to compliance with all conditions set forth in this general permit. If all of the conditions of this general permit are not met, the operator shall be required to apply for and obtain an individual solid waste permit as specified in SDCL 34A-6-58 and ARSD 74:27:10:06. In addition, the operator may be subject to civil penalties set forth in SDCL 34A-6-1.31.

Pursuant to SDCL 34A-6-58, this general permit is valid until suspended, revoked or modified by the board.

This permit shall become effective **May 1, 1995**.

Signed this **1<sup>st</sup>** day of **May, 1995**.

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Richard C. Sweetman, Chairman  
Board of Minerals and Environment

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## **1.0 GENERAL STATEMENTS OF LAW AND OPERATOR'S RESPONSIBILITIES**

### **1.01 Applicability of General Permit**

This permit is applicable to any operator in the State of South Dakota proposing to accept less than 25,000 tons per year of soils contaminated with gasoline, diesel fuel, fuel oil or similar petroleum hydrocarbons, provided the operator meets the requirements of this general permit.

This permit also allows any operator authorized under the terms of this general permit to land apply water contaminated with petroleum hydrocarbons listed above.

This permit does not allow the operator to accept soils contaminated with:

- a) waste oils such as transformer oil, motor oil or other petroleum lubricants;  
or
- b) hazardous waste as provided by SDCL 34A-11.

### **1.02 Severability**

The provisions of this permit are severable. If any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provisions to other circumstances and the remainder of this permit, shall not be affected.

### **1.03 Property Rights**

The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state, or local laws and ordinances.

### **1.04 Amendments, Revocation and Suspension of General Permit**

The board may amend, suspend or revoke this general permit as provided by SDCL 34A-6-58.

### **1.05 Procedure for Requesting Authorization**

- a) The operator shall publish a notice of intent in an official newspaper in the county in which the proposed land application site will be located. the notice shall be published at least 15 days before the first anticipated use of the site. The notice shall include:
  - 1) the name, address and phone number of both the operator and landowner of the proposed site;
  - 2) the number of acres comprising the site;
  - 3) the general location of the proposed land application site; and
  - 4) the legal description of the site (including quarter, section, township, range, and county).
- b) In order to obtain authorization to treat petroleum contaminated soil under the terms and conditions of this general permit, the operator must submit a request for authorization to the DENR with a resolution of county approval for the proposed site at least 20 days before the first anticipated use of the site. If the DENR determines the request for authorization is complete and meets the terms of the general permit, the department will issue an authorization letter approving the operation at the site. The operator must submit a renewal

request for authorization to the department at least 20 days before the letter of authorization expires.

**1.06 Duration of Authorization**

Requests for an initial authorization shall be valid for up to two years from the date of issuance and may be renewed for periods of up to five years.

**1.07 Changes to Request for Authorization**

The operator shall notify the DENR at least 14 days prior to implementing any change in the site design or operation that would change the request for authorization submitted to the DENR. All changes must be approved by the DENR prior to implementation.

**1.08 Transfers**

The request for authorization may be transferred to a new operator if the following conditions are met:

- a) The authorized operator notifies the DENR at least 30 days before the proposed transfer date; and
- b) The notification to the DENR includes a written agreement between the authorized and new operator containing the date for transfer of permit responsibility, coverage and liability.

**1.09 Individual Permit Required**

The DENR may require the operator to apply for and obtain an individual solid waste permit if the following conditions are met:

- a) The operator is not or cannot operate in compliance with the conditions of this general permit; or
- b) The conditions or standards change such that the land application of petroleum contaminated soils no longer qualifies for this general permit.

**1.10 Individual Permit Requested**

Any operator covered under this general permit may request to be excluded from the coverage by applying for an individual solid waste permit.

**1.11 Duty to Comply**

The operator must comply with all of the conditions of this permit. Any permit noncompliance constitutes a violation of South Dakota's Solid Waste Laws, SDCL 34A-6 and is grounds for initiation of enforcement action. The operator must be in compliance with the Administrative Rules of South Dakota, ARSD 74:03:15 and 74:03:16.

**1.12 Proper Maintenance and Operation**

The operator shall at all times properly operate and maintain the land application site.

**1.13 Duty to Provide Information**

The operator shall furnish to the DENR, within 14 days, any information which the DENR may request to determine compliance with this permit.

**1.14 Emergency Procedures**

The operator must notify the DENR, within one business day, of any emergency situation that arises at the land application site.

### **1.15 Penalties for Violation of Permit Conditions**

South Dakota Solid Waste Law, SDCL 34A-6-1.31, provides that any person who violates a solid waste permit condition is subject to a civil penalty of up to \$10,000 per day per violation.

## **2.0 LOCATION AND DESIGN REQUIREMENTS**

### **2.01 Facility Siting**

The operator **shall not** locate the site:

- a) within 200 feet of surface water, excluding wetlands, as defined by ARSD 74:03:02:01(54);
- b) within a wetland as defined by ARSD 74:03:02:01(63);
- c) within 500 feet of any occupied dwelling;
- d) within 500 feet of any private well that supplies water for human consumption
- e) within a delineated wellhead protection area;
- f) within 1,000 feet or the documented radius of influence of a public water supply well;
- g) within 100 feet of adjacent property boundaries, without written approval from that property owner;
- h) where the depth to an aquifer, as defined by 74:03:16:01, is less than 20 feet;
- i) within the incorporated limits of any municipality;
- j) within a 100 year floodplain;
- k) where the primary subsurface material is sand or gravel (as defined by the Unified Soil Classification Index) in the first 20 feet, excluding topsoil; or
- l) on land that has an average slope greater than five percent.

### **2.02 Surface Water Control**

The operator shall construct and maintain dikes around the perimeter of the site to contain run-off from the 25-year, 24-hour storm event. The operator shall adequately compact the dikes.

### **2.03 Access Control**

The operator shall:

- a) clearly mark the limits of the site;
- b) post a sign at the entrance to the site stating the operator's name, phone number and the type of facility; and
- c) exclude livestock from the site.

## **3.0 OPERATIONAL REQUIREMENTS**

**3.01** The operator shall spread the soil up to six inches in depth (approximately 800 tons per acre) within 48 hours after receipt on site.

**3.02** The operator may temporarily store petroleum contaminated soils at the treatment site if ground conditions or weather conditions prevent the spreading or incorporation of the soil. Storage of the soil shall meet the requirements of ARSD 74:03:32:07, Remediation Criteria for Petroleum Contaminated Soils.

- 3.03** The operator shall ensure each application of soil meets the post-treatment standard of section 3.08 of this permit before another application of soil is applied.
- 3.04** The operator shall ensure that soils taken from different sites are treated in separate areas.
- 3.05** The operator may land apply petroleum contaminated water (that does not contain free phase product) if the water is uniformly applied at one-quarter inch (approximately 6,500 gallons) or less per acre. The contaminated water shall be applied over previously treated soil or untreated soil accepted from the same site. The application of petroleum contaminated water is limited to once per month during April through October. The application of petroleum contaminated water during November through March must be approved in writing by DENR prior to application.
- 3.06** The operator shall remove foreign objects (e.g. plastic, concrete, asphalt, etc.) from the contaminated soil within seven days of land application.
- 3.07** The operator shall treat (turn over or disk) the petroleum contaminated soil twice the first month after the initial application and at least monthly during the months of April through October, until it meets the required post-treatment standard specified in section 3.08.
- 3.08** The operator shall treat petroleum contaminated soil until the total petroleum hydrocarbon concentration is 10 parts per million (ppm) or less. Sampling and analytical methods must conform to the requirements of section 5.0 of this permit. Once the total petroleum hydrocarbon concentration is 10 ppm or less the soil is no longer regulated.

#### **4.0 CLOSURE REQUIREMENTS**

- 4.01** The operator shall seed and revegetate the site in accordance with the Natural Resources Conservation Service, if it is not to be used as crop land.
- 4.02** The DENR shall be notified upon closure of the site.

#### **5.0 TESTING REQUIREMENTS**

- 5.01** The operator shall obtain the pre-treatment laboratory results for total petroleum hydrocarbon concentrations of all untreated soil accepted at the site.
- 5.02** To verify the post-treatment standard as specified in section 3.08 has been met, the operator shall take a minimum of one composite sample per acre for each application of soil. Each composite sample shall consist of a minimum of four representative samples taken from a depth of four inches.
- 5.03** The operator shall have the composite samples tested by a laboratory to determine if the soil meets the post-treatment standard of 10 ppm total petroleum hydrocarbons. Test methods allowable by the terms of this permit include:

- a) The California/USGS Method, as required by ARSD 74:03:32:04, Remediation Criteria for Petroleum Contaminated Soils;
- b) Thermal Stripping/Thermal Desorption/Gas Chromatography Method; or
- c) An equivalent method approved by the DENR in advance of the testing.

## **6.0 RECORDKEEPING AND REPORTING REQUIREMENTS**

- 6.01** The operator shall have on file a copy of the request for authorization, required by section 1.05 of this permit.
- 6.02** The operator shall keep the following information for each application of petroleum contaminated soil:
- a) The source of contaminated soil or water;
  - b) The volume or tonnage of contaminated soil or water;
  - c) The type of contamination and pre-treatment concentrations of total petroleum hydrocarbons as gasoline, diesel, or fuel oil;
  - d) The date the contaminated soil or water was received;
  - e) Documentation of compliance with the requirements of section 3.02 for any soil that is stockpiled on site;
  - f) The number of acres on which petroleum contaminated soil or water was spread and each date the soil was treated as required by section 3.07; and
  - g) Post-treatment test results of the treated soil (to include areas that have had water applied).
- 6.03** The operator shall submit an annual report to the DENR by January 31 for the previous year. This report shall be submitted on a form provided by the DENR and shall include the information required by section 6.02.
- 6.04** The operator shall make available to the DENR, all required records, copies of annual reports and data required by the terms and conditions of this permit, during normal hours of operation.
- 6.05** The operator shall allow the DENR:
- a) Access to the site where a regulated activity is located or conducted;
  - b) To inspect any facilities, equipment, practices or operations regulated or required under this permit; and
  - c) To sample or monitor any soil on site.
- 6.06** The operator shall maintain all required records, copies of annual reports and data required by the terms and conditions of this permit for a period of one year following closure of the site.